



Prosecuting Attorney Presentation

Presented by:

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AZ Compact Commissioner

[Revision 9/19/2013]

Presentation Objectives

- Interstate Compacts
 - Elements, uses and authority
- Overview of Interstate Compact for Adult Offender Supervision
- Judicial Considerations of the ICAOS

Authority of the Interstate Compact

- Article I, Section 10, Clause 3 of the U.S. Constitution – the “Compact Clause”
- The Crime Control Act of 1934
 - Cuyler vs. Adams, 449 U.S. 433 (1981).
Compact rules supersede any state laws in conflict with them.



Authority to Regulate

- There is no “right” of convicted persons to travel across state lines. See, Bagley v. Harvey, 718 F.2d 921 (9th Cir. 1988).
- Convicted person has no right to control where they live; the right is extinguished for the balance of their sentence. Williams v. Wisconsin, 336 F.3d 576 (7th Cir. 2003),

Interstate Compact Legislation

- Courts, Parole Boards, Community Corrections & other Executive Agencies
 - subject to ICAOS rules
 - MUST enforce & effectuate the Compact

A.R.S. § 31-467



National Governing Body

- All 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands are members of the Interstate Compact
 - Rule Making Authority
 - Compliance Enforcement
 - *Audits*
 - *Sanctions for non-compliance*



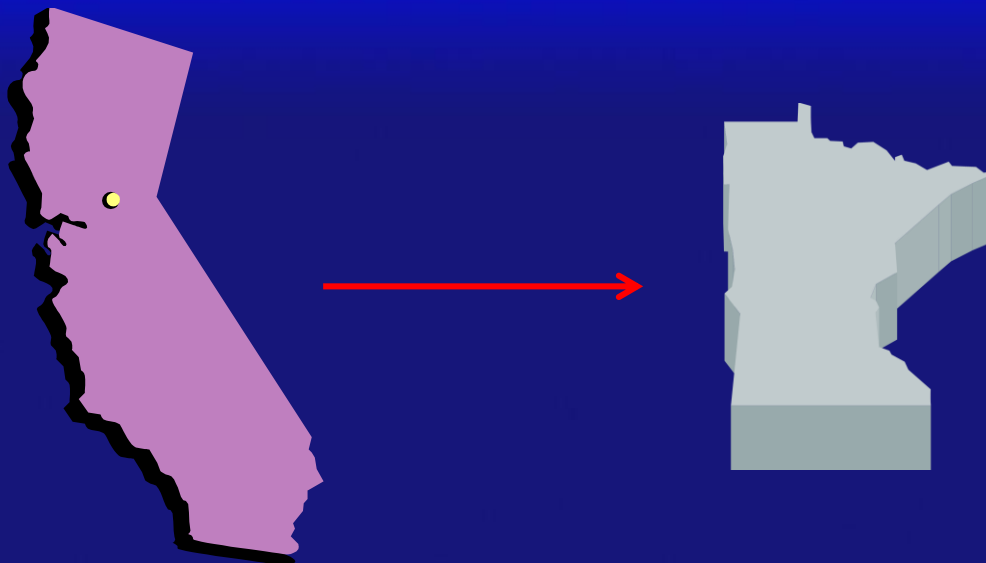
Purpose of ICAOS

- Promote Public Safety
- Protect the Rights of Victims
- Effective Supervision/Rehabilitation
- Control Movement of Offenders
- Provide for Effective Tracking



Considerations for Courts Post-Sentencing

- ICAOS impacts how offenders are:
 - Transferred to another state
 - Supervised over state lines
 - Returned to a sending state when in violation.



What Triggers the Compact?

An *eligible offender* subject to supervision requests to relocate to another state.

“Relocate” means to remain in another state for **more than 45 consecutive days** in any 12 month period.



Rule 2.110

Eligible Offenders Must Transfer via the Compact

- **Eligible Offenders:**

- ALL Felons
- Certain Misdemeanants (*Rule 2.105*)
- Deferred sentences (*Rule 2.106*)
 - *Is there a finding of guilt?*
 - *Has a plea been entered?*
 - *Given up the right to trial?*
- “Unsupervised” Offenders that require monitoring of non-monetary conditions
 - Unsupervised Probation
 - Compliance Monitoring

- **Non-eligible Offenders:**

- Certain Misdemeanants (*Rule 2.105*)
- Those on work-release (*Rule 2.107*)
- or released under furlough (*Rule 2.107*)
- or on a pre-parole program (*Rule 2.107*)
- Those on a Pre-Trial Release Program
- or offenders released on bail

“Supervision”

- Supervision has two distinct criteria:
 1. Oversight exercised by an authority which includes courts
 2. Regulations and conditions, **other than monetary conditions**, imposed on the offender at the time of release to the community
- * Receiving States often request early termination for our outgoing offenders who have completed all conditions. However, most of these requests result in a modification to Unsupervised Probation which still requires supervision in the Receiving State

Transfer of Offenders

- Sole discretion of Sending State
- No right to relocate
- Receiving state has up to 45 days to investigate plan of supervision
 - Acceptance (valid for 120 days)
 - Denial

Rules 3.101, 3.104, 3.104-1

No Travel Prior to Transfer Reply

- The offender SHALL NOT proceed to the receiving state.
 - Advisory Opinion 9-2006 & 3-2004: If an offender is in a receiving state prior to acceptance, the Receiving State can properly reject the request for transfer.

Rule 3.102

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ICAOS Advisory Opinion Issued by:		

Supervision of Accepted Cases

- Receiving state determines degree of supervision
 - MUST be consistent with the supervision of other similar offenders sentenced in the receiving state
 - Special Conditions
 - Violations
- Sending State determines length of supervision.

Rule 4.101 & 4.102

Special Interest

- Movement of Sex Offenders
 - No travel w/o approved reporting instructions
- Out of State for Work or Treatment
 - If for more than 45 days & compact eligible offender, prohibited unless transfer via the Compact

Victims

- Victim Notification and Right to be Heard
 - Change in Offender Status
 - Right to Comment



Special Interest for Judicial Authorities

- Imposing Special Conditions

Sending State required to give same effect to a violation of a special condition imposed by the receiving state

Retaking & Violations

- Retaking Interstate Compact Offenders
 - Waiving Extradition Rights

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OFFENDER'S APPLICATION FOR INTERSTATE COMPACT TRANSFER

I have already been in a jurisdiction that has the right to extradite me, and I agree to return to the state where I may be found. This is commonly called the right to extradition. But I also agree that I have agreed to return to the sending state when ordered to do so either by the sending state or by the receiving state. Therefore, I agree that I will not resist or fight any effort of any state to return me to the sending state. TO WAIVE ANY RIGHT I MAY HAVE TO EXTRADITION. I WAIVE THIS RIGHT FREELY AND INTELLIGENTLY.

Offender's signature: _____ Date: _____

Printed name: _____

Witness: _____ Date: _____

Witness name: _____

– Violations

- Sending State must respond within 10 business days
 - *If offender absconds, warrant must be issued upon receipt.*
- Probable Cause Requirements

“Warrant”

- Issued by either the sending or receiving state
- SHALL be entered in the NCIC Wanted Person File with a national pick-up radius



No Bail or Other Release Conditions

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FORUMS	CALENDARS	SEARCH: <input type="text"/>	STORE			
ABOUT	NATIONAL OFFICE	TOOLS	STATE DOCS	DIRECTORY	TRAINING	LEGAL

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Advisory Opinions

Bench Book / 

Commissioner List

DCA List

Eligibility Worksheet

ICAOS Rules: ENG / ESP

Interstate Forms

Navigating the Compact

Receive Training

State Directory / 

MOBILE WEBSITE

ICAOS RULES

RULES STEP-BY-STEP

BENCH BOOK



ICAOS Launches Mobile Website

Optimized for Touchscreen Smartphones

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Mobile Website

ICAOS Debuts Mobile Website for touchscreen smartphone users

AZ and ICAOS Key Personnel

- AZ Compact Commissioner
 - Dori Ege (602) 452-3324
- ICAOS Commission Chair
 - Mr. Milton Gilliam, Oklahoma
- ICAOS Executive Director
 - Harry Hageman
- ICAOS General Counsel
 - Mr. Richard L. Masters, Esq.